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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,148	10/29/2003	Eng-Keong Lee	IT-03-006	5487
40604 7590 01/15/2009 MITEL NETWORKS CORPORATION MICHELLE WHITTINGTON, ESQ. 7300 WEST BOSTON STREET CHANDLER, AZ 85226				
EXAMINER				
WALSH, JOHN B				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. The reply brief filed on December 3, 2008 has not been considered because it is not in compliance with 37 CFR 41.41(a). The reply brief includes new or non-admitted evidence (see 37 CFR 41.41 (a) (2)). The reply brief on pages 6 and 7 cites new and non-admitted evidence to Newton's Telecom Dictionary definition; on page 7 cites new and non-admitted evidence to a Wikipedia definition and on page 7 cites new and non-admitted evidence to the Network Dictionary. All three sources are new and non-admitted evidence that was not submitted previously for consideration. Furthermore the appellant has not provided a showing of good and sufficient reasons why the evidence is necessary and was not earlier presented (see 37 CFR 41.33 (d)(1) and (2)).

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/  
Primary Examiner, Art Unit 2451